

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

India House of Massachusetts, Inc.,

Plaintiff

v.

Grinnell Corporation,

Defendant

C.A. No. 04-12004-RCL

JOINT SCHEDULING CONFERENCE STATEMENT

Pursuant to Fed.R.Civ.P. 16(b) & (c) and 26(f), and Local Rule 16.1(d), the parties submit the following Joint Statement:

1. Summary of the Positions Asserted –

Plaintiff: Mountain Valley Indemnity, as subrogee to India House of Massachusetts Inc., brought this action in contract and tort for a fire loss that occurred on November 16, 2001 at the Bombay Club in Cambridge, Massachusetts. Defendant Grinnell Corp. contracted with the Plaintiff to service, clean and inspect the kitchen duct work. The Cambridge Fire Investigation Unit found that the fire was a result of excessive grease build up from improper cleaning of the ducts. Grinnell had performed their tri-annual cleaning and inspection just a few weeks before the fire on October 18, 2001. Plaintiff is claiming damages for repair, damaged contents, food loss, restoration/cleaning, and loss of income.

Defendant: SimplexGrinnell LP, sued herein as Grinnell Corporation, informed the owners of the Bombay Club restaurant on a number of occasions that cleaning of the kitchen duct work was obstructed by a lack of access and insufficient rooftop water connections. SimplexGrinnell advised the owners regarding needed modifications to permit full, unobstructed cleaning access to the system. SimplexGrinnell appropriately cleaned the kitchen duct work to the extent possible, however, the owners failed to make any of the recommended modifications prior to the November 16, 2001 incident. SimplexGrinnell denies liability to the Plaintiff for the damages claimed.

2. Joint Discovery Plan – The parties jointly propose to the Court the following discovery plan:

- All discovery shall be commenced in time to be completed July 29, 2005.
- - Maximum of 30 interrogatories by any party to any other party with responses due 30 days after service, without leave of Court.
 - Maximum of 5 non-party, non-expert depositions by Plaintiff and 5 non-party, non-expert depositions by Defendant, without leave of Court. (Each deposition limited to a maximum of 7 hours unless extended by agreement of parties.)
- Disclosures of experts pursuant to Rule 26(a)(2) due:
 - From Plaintiff by Friday, April 1, 2005.
 - From Defendant by Monday, May 2, 2005.
 - Any rebuttal disclosures by Monday, May 23, 2005.

3. Motions – The parties jointly propose to the Court the following schedule for the filing of Motions:

- The parties anticipate working together to resolve any discovery issues and do not anticipate the need for any Discovery Motions, however, any such motions are due by Friday, July 1, 2005.
- All other Motions, including Motions pursuant to Fed.R.Civ.P. 56 (with the exception of Motions *in Limine*) are due by Friday, August 12, 2005.

4. Certifications of Counsel and Party Representatives – Each party will submit a certification under separate cover or will submit a certification to the Court at the Scheduling Conference.

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Dated: November 30, 2004

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**ATTORNEYS FOR DEFENDANT
SIMPLEXGRINNELL LP**

CERTIFICATE OF SERVICE

I, Robert A. Curley, Jr., hereby certify that I caused a true and correct copy of the foregoing Joint Scheduling Conference Statement to be served by first-class mail, postage prepaid, this 30th day of November, 2004, upon the following persons:

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